



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO
	:	<u>SPECIFIC PROPERTY</u>
SHENG-WEN CHENG,	:	
a/k/a "Justin Cheng,"	:	21 Cr. <u>261</u> (AJN)
a/k/a "Justin Jung,"	:	
	:	
Defendant.	:	
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WHEREAS, on or about April 20, 2021, SHENG-WEN CHENG, a/k/a "Justin Cheng," a/k/a "Justin Jung," (the "Defendant"), was charged in four-count Information, 21 Cr. ____ (AJN) (the "Information"), with major fraud against the United States, in violation of Title 18, United States Code, Sections 1031 and 2 (Count One); bank fraud, in violation of Title 18, United States Code, Sections 1344 and 2 (Count Two); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Count Three); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Four);

WHEREAS, the Information included a forfeiture allegation as to Counts Two and Four of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offenses charged in Counts Two and Four of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts Two and Four of the Information, and the following specific property:

- a. One 2020 White Mercedes Model S560X4, VIN No. WIKUX8GB8LA556628;

WHEREAS, the Information included a second forfeiture allegation as to Count Three of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Three of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Three of the Information;

WHEREAS, on or about April 20, 2021, the Defendant pled guilty to Counts One through Four of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts Two through Four and agreed to forfeit, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2)(A), and Title 28 United States Code, Section 2461(c): (i) any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offenses charged in Counts Two and Four of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts Two and Four of the Information; (ii) any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Three of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Three of the Information; and (iii) all right, title and interest of the Defendant in the specific property listed in Appendix A attached hereto (collectively the "Specific Property");

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, which constitutes proceeds of the offenses charged in Counts Two through Four of the Information that the Defendant personally obtained; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorney, Sagar K. Ravi of counsel, and the Defendant, and his counsel, Peter Katz, Esq., that:

1. As a result of the offenses charged in Counts Two through Four of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, SHENG-WEN CHENG, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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APPENDIX A

Specific Property

1. 2020 White Mercedes Model S560X4, VIN No. W1KUX8GB8LA556628
2. four 60-inch Marbella Teak classic sofa cushions
3. two 60-inch Marbella Teak classic sofas
4. two Treviso Teak lanterns
5. two 1930 Martini side tables
6. Adler Shelter diamond-tufted fabric bed
7. two Graydon shagreen closed nightstands
8. two French Rococo Gate Artifact table lamps
9. 5-sided Frio king mattress protector
10. purple pillow
11. two Purecare Softcell hybrid pillows
12. Iman Moroccan diamond hand-knotted wool rug
13. Cela shagreen console table
14. Buddha sculpture
15. pair of bookends with three books
16. Four Season duvet cover and sheet set
17. two Four Seasons robes
18. 1950 Italian Shelter arm swivel chair
19. Suar wood cylinder stool
20. Marble Hurricane candlelight collection
21. Newbury towel stand
22. reversible bath rug
23. five-piece bathroom set
24. Calvin Klein bath mat
25. wicker hamper
26. black leather accessory box
27. fuzzy silver and tan throw pillow
28. two grey throw blankets
29. two ivory stool chairs
30. one tan area rug
31. Softcell chill pillow
32. two-piece bathroom set
33. Grand Framed Glass double-door cabinet
34. 15 books
35. Rossi leather desk chair
36. Reynor 68-inch desk
37. wood table
38. rug runner
39. two copper lamps

40. two grey lamps
41. floor lamp
42. two black nightstands
43. black dresser
44. gold circular mirror
45. mattress with base set
46. one grey sheet set with pillow
47. plush comforter
48. three-piece bathroom set
49. two Tiffany flute glasses
50. two tiffany wine glasses
51. 16-piece Hoomeet dishes set
52. 63-piece kitchen utensil set
53. 14-piece J.A. Henckels knife set and block
54. three-piece tea set
55. Espresso coffee set with six cups and plates
56. coffee maker
57. Nespresso machine
58. two Williams-Sonoma dragon glasses
59. sake cups
60. four Cardiff lanterns
61. towel rack
62. wicker basket chair
63. bronze floor-length mirror
64. Fontanelle floor lamps
65. Maslow Spider rectangular dining table
66. six Leigh Fabric arm chairs
67. Thaddeus glass rectangular console table
68. etched hand-knotted wool rug
69. Martens round coffee table
70. 10 stacks of books
71. two Cloud modular armless chairs
72. three Cloud modular corner chairs
73. flameless candle remote control
74. bar table
75. Tiffany decanter
76. two glasses
77. Cloud modular wide console
78. rectangular decorative center piece
79. two Perennials Performance Palm Beach banded stripe lumber pillow covers
80. two Perennials Performance Palm Beach banded stripe square pillow covers
81. two Perennials Performance Palm Beach cabana stripe square pillow covers

82. two Perennials Performance Palm Beach cabana stripe lumbar pillow covers
83. two Williams-Sonoma rice bowls
84. two Williams-Sonoma lunar salad plates
85. two Williams-Sonoma lunar dinner plates
86. 1950 Italian Shelter arm ottoman
87. one grey and sand runner rug
88. one blue umbrella holder
89. Gucci slides
90. two white Ermenegildo Zegna shirts
91. three white Brooks Brothers shirts
92. white Bergdorf Goodman shirt
93. two blue Canali shirts
94. blue Brooks Brother shirt
95. blue Bergdorf Goodman shirt
96. 15 designer brand neckties
97. two handkerchiefs
98. four Burberry sweaters
99. four wool designer scarves
100. Gucci loafers
101. white Gucci sneakers
102. black Gucci sneakers
103. black Burberry gloves
104. two black leather Ferragamo belts
105. black Gieves & Hawkes belt
106. dark blue Brooks Brother cufflink
107. black Burberry wallet
108. dark blue Burberry raincoat
109. beige Burberry raincoat
110. four Burberry trench coats
111. black patterned trench coat
112. six V-neck Calvin Klein shirts
113. two H&M shirts
114. four Burberry shirts
115. pair of black Burberry shorts
116. two pairs of swim shorts
117. three Canali suits
118. three Brooks Brothers suits
119. one Gieves & Hawke suits
120. three suitcases
121. Rayban sunglasses
122. charcoal Burberry pants
123. black Burberry laptop bag

124. Gucci glasses with clear frame
125. black Gucci pouch
126. black Louis Vuitton belt
127. black-plated Louis Vuitton belt
128. one silver-buckled Louis Vuitton belt
129. three Louis Vuitton scarves
130. one Burberry scarf
131. one Ink and Ivy throw
132. one black Canada Goose jacket
133. four pairs of socks
134. Burberry slides
135. black Louis Vuitton loafers
136. black leather shoes
137. patent leather shoes
138. brown leather shoes
139. blue Gucci leather shoes
140. brown Salvatore Ferragamo boots
141. 65-inch Samsung TV curved
142. Bose speaker and charging card
143. Apple CD-rom
144. 85-inch Samsung TV
145. Microsoft Xbox
146. Samsung sound bar
147. abstract wall art
148. picture of fishes art piece
149. one Cohiba cigar box
150. bottle of Johnnie Walker Blue label
151. bottle of Silver Oak Cabernet 2015
152. bottle of Bogle Vineyards Cabernet 2016
153. bottle of The Prisoner Napa Valley 2018
154. Cartier ring
155. diamond engagement ring in white gold engraved with "Elizabeth
156. Rolex Oyster Perpetual 18 carat yellow-gold watch
157. Ferderique Constant Watch
158. Rolex boxes with spare leather watch straps
159. \$10,353 cash
160. Samsung laptop
161. HP Pavilion 24 All-In-One Model 24-XA0020
162. American Express flashdrive
163. Samsung Galaxy Note 10+
164. various checks and debit and credit cards